

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

1) DUSTIN LANCE,)	
)	
Plaintiff,)	
)	
v.)	Case No. CV-17-378-RAW
)	JURY TRIAL DEMANDED
1) BOARD OF COUNTY COMMISSIONERS)	
OF PITTSBURG COUNTY, OKLA.,)	
2) CHRIS MORRIS, Sheriff of Pittsburg)	
County, Okla., in his official capacity,)	
3) MIKE SMEAD, in his)	
individual capacity,)	
4) DAKOTA MORGAN, in his)	
individual capacity,)	
5) EDWARD MORGAN, in his)	
individual capacity,)	
6) STEPHEN SPARKS, in his)	
individual capacity,)	
7) MCALESTER REGIONAL HEALTH)	
d/b/a McAlester Regional Hospital,)	
8) Gary R. Lee, M.D.,)	
9) JOEL KERNS, former Sheriff of Pittsburg)	
County, in his individual capacity)	
10) DANIEL HARPER, in his)	
individual capacity)	
)	
Defendants.)	

ORDER

Before the court are various and sundry motions in limine [Docket Nos. 244, 246, 148, 189, 245]. Swimming through this wave of motions is reminiscent of trying to coordinate the number of motions that can paddle on the head of an evidentiary pin. Nevertheless, the court makes the following generalized preliminary rulings, to-wit:

Defendants Morris, Morgan and Harper [244]

1. Violation of any policy, standard, rule or regulation: DENIED.
2. Previous lawsuits against Defendants: GRANTED.

3. News articles and media publications: GRANTED.
4. Liability Insurance: GRANTED.
5. Expert medical opinions from lay witnesses: DENIED.
6. Financial condition of parties: GRANTED.
7. Expert Witness opinions not previously disclosed: MOOT.
8. Opinion of counsel: DENIED.
9. Personalizing the case: GRANTED.
10. Using verdict to send message: MOOT.
11. Death of former Sheriff Kern's son: GRANTED.
12. Hearsay by medical care providers: GRANTED.
13. Testimony from witnesses not properly identified or without contact information:
GRANTED.
14. Medical records or documents not already produced: GRANTED.
15. Adoption of Co-Defendant's motion in limine: See below.

Defendant Smead [246]

1. Witnesses not already listed: GRANTED.
2. Medical records or documents not already produced: GRANTED.
3. Expert testimony from treating physicians beyond purview of prior treatment:
DENIED.
4. Audio recording of Walker statement: GRANTED.
5. Cases of national significance concerning law enforcement: GRANTED.
6. Personalizing the case: GRANTED.
7. Use of force incidents at the Pittsburg County Jail: MOOT.

8. Send a message argument: MOOT.
9. Defendant Smead's separation from employment with the Sheriff's Department:
DENIED.
10. Newspaper articles and media: GRANTED.
11. Evidence regarding violation of any policy, standard, rule, or regulation: DENIED.
12. Reference to discovery: MOOT.
13. Financial condition of parties: GRANTED.
14. Hearsay: MOOT.
15. Witness Testimony regarding other events: GRANTED.
16. Expert medical opinions by lay witnesses: DENIED.
17. Dismissed claims: GRANTED.
18. Adoption of Co-Defendants' motions in limine: See above.

Plaintiff's Motions in Limine [148, 189, 245]

1. Evidence regarding Plaintiff's "criminal files:" GRANTED.
2. Evidence that Plaintiff is malingering: DENIED.
3. Evidence that Plaintiff used illicit drugs: GRANTED.

The specified motions in limine are hereby granted, in part, and denied, in part, as specified above.

IT IS SO ORDERED this 2nd day of March, 2023.



RONALD A. WHITE
UNITED STATES DISTRICT JUDGE